1. S.B. CRIMINAL MISC. BAIL APPLICATION (SUSPENSION OF SENTENCE) NO. 407/2007
IN
S.B. CRIMINAL APPEAL NO. 303/2006

2. S.B. CRIMINAL MISC. BAIL APPLICATION (SUSPENSION OF SENTENCE) NO. 798/2006
IN
S.B. CRIMINAL APPEAL NO. 760/2005

DATE OF ORDER : 10.07.2007

HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. Ranjeet Joshi for accused-applicant Shanker Lal.
Mr. R.K.Charan for accused-applicants Rajmal @ Raju and Ram Lal.
Mr. V.R.Mehta, Public Prosecutor.

Heard learned counsel for the parties.

The contention of learned counsel Mr. Ranjeet Joshi, appearing on behalf of accused applicant Shanker Lal is that he was not arrested on the spot and his identity is not disclosed. The contention of learned counsel Mr. R.K.Charan appearing on behalf of accused applicants Rajmal @ Raju and Ram Lal is that recovered poppy husk was not produced during trial and he relied upon the case of Jitendra and Anr. Vs. State of M.P., reported in JT 2003 (Suppl.1) SC 331.

I have gone through the statements of PW-1 Lal Singh and PW-7 Khum Singh. When the petrolling officer seized the poppy husk, accused Shanker Lal, Savdass @ Savaram ran away from the spot and accused Rajmal @ Raju and Ram Lal were arrested

on the spot and poppy husk was recovered from them. In the case, relied upon by the learned counsel, recovered ganja and charas were not produced before the Court but in this case, there was no evidence of the seized samples sent to the FSL.

Looking to the quantity and recovery of poppy husk from the accused applicants and the quantum of punishment awarded to the accused applicants by the learned trial court, I do not consider it to be a fit case for suspension of sentence.

Accordingly, the application for suspension of sentence filed on behalf of accused applicants Shanker Lal S/o Varda, Rajmal @ Raju S/o Bhanwar Lal and Ram Lal S/o Narayan stands dismissed.

(DEO NARAYAN THANVI), J.

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